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SEBASTOPOL

EXEMPT FROM FILING FEES
GOV'T CODE § 6103

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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF SONOMA**

11
12 FRIENDS OF NORTHWEST
SEBASTOPOL, a California nonprofit mutual
13 benefit corporation ,

14 Petitioner,

15 v.

16 CITY OF SEBASTOPOL, acting by and
through the Sebastopol City Council,

17 Respondent,

18
19 SONOMA APPLIED VILLAGES
SERVICES, a California nonprofit mutual
20 benefit corporation; and ST. VINCENT DE
PAUL DISTRICT COUNCIL OF SONOMA
21 COUNTY, INCORPORATED, a California
nonprofit mutual benefit corporation,

22 Real Parties in Interest.
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Case No. SCV270053

**DECLARATION OF LAWRENCE
MCLAUGHLIN IN OPPOSITION TO
PETITIONER FRIENDS OF
NORTHWEST SEBASTOPOL'S EX
PARTE APPLICATION FOR AN
ALTERNATIVE WRIT**

Assigned for All Purposes to:
Hon. Arthur A. Wick, Dept. 17

Hearing Date:

Time:

Judge:

Dept.:

Hon. Arthur A. Wick
17

Action Filed:

Trial Date:

January 21, 2022

None Set

1 I, LAWRENCE MCLAUGHLIN, declare as follows:

2 1. I am the City Manager, in charge of managing the day to day operations of the City of
3 Sebastopol (“the City”). I have served as the City Manager since January of 2013. I am also the
4 City Attorney. I have personal knowledge of the following facts and could and would testify to
5 these facts if called upon to do so.

6 2. I have reviewed many complaints and letters from City residents regarding the homeless
7 crisis in our City, including the use of Morris Street by homeless persons and families living in
8 their vehicles. The problems discussed by City residents include but are not limited to obstruction
9 of pedestrian sidewalks, interference with roadway traffic, unsanitary disposal of waste and trash
10 in the commercial area that surrounds Morris Street as well as the Laguna Wetlands.

11 3. Over the last several months, I have regularly visited and observed the homeless people
12 living on Morris Street and Laguna Park Way. Based upon my personal observations and
13 investigation of the area, the accumulation of homeless people on Morris Street and Laguna Park
14 Way has resulted in unhealthy, unsafe, inhumane living conditions, and extreme peril to the safety
15 of homeless persons and others in the area. The use of streets by the homeless was expanding into
16 neighboring streets, and was developing rapidly into a public nuisance.

17 4. I have reviewed and approved the City Council Agenda, for the meeting of November 30,
18 2021, including the staff report regarding the use of Morris Street by homeless persons and
19 families, and their vehicles. A true and correct copy of the City Council Agenda, for the meeting
20 of November 30, 2021 is attached as Exhibit A.

21 5. On November 30, 2021, I attended the City Council meeting where the plans for the
22 homeless shelter was discussed before the public and was made subject to public comment by
23 numerous people attending the public meeting. After a lengthy public hearing, Resolution
24 Number 6386-2021 entitled “A Resolution of the City Council of the City of Sebastopol
25 Proclaiming the Existence of Local Homeless Emergency” was adopted by the City Council, and
26 thereafter approved by me. A true and correct copy of Resolution Number 6386-201 is attached as
27 Exhibit B .
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1 6. On or about December 2, 2021, I executed a memorandum of understanding (“MOU”)
2 with Sebastopol Applied Village Services (“SAVS”) for the operation of a homeless village for
3 Sebastopol unhoused individuals, with priority given to those with vehicles on or near Morris
4 Street. A true and correct copy of the MOU is attached as Exhibit C.

5 I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct. Executed this 1st day of February 2022 at Sebastopol, California.

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By: 

LAWRENCE MCLAUGHLIN
City Manager and Attorney at CITY OF
SEBASTOPOL

5052181.1

EXHIBIT A

**CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM**

Meeting Date: November 30, 2021
To: City Council
From: Ad Hoc Committee for Unhoused (Mayor Glass/Councilmember Rich)
Subject: Temporary RV Village Pilot Program
Recommendation : That the City Council Discuss and Consider:

1. Discontinue consideration of the Public Works Storage Yard
2. Consideration of Approval of a Site Location Change
3. Consideration of Funding
4. Direction on Parking Changes on Morris Street and City-wide
5. Direction to Ad Hoc Committee to Return to next City Council Meeting with final contract for signature

Funding: Currently Budgeted: _____ Yes XX No _____ N/A
Net General Fund Cost:
Fund Account: Undetermined
Amount: \$60,000 for 845 Gravenstein Highway North *

*This is an estimated cost as of the writing of this Staff Report. Description of estimates are listed in the Financial Impact Section of this agenda item.

Account Code/Costs authorized in City Approved Budget (if applicable) _____ (verified by Administrative Services Department)

INTRODUCTION: This item is to request that the City Council discuss and consider:

1. Discontinue consideration of the Public Works Storage Yard
2. Consideration of Approval of a Site Location Change
3. Consideration of Funding
4. Direction on Parking Changes on Morris Street and City-wide
5. Direction to Ad Hoc Committee to Return to next City Council Meeting with final contract for signature

Key Questions for the City Council to Discuss:

1. Is there a homeless emergency in the City of Sebastopol, specifically on Morris Street and Laguna Park Way that should be recognized by authorizing the Mayor to execute a Resolution Declaring a Homeless Emergency?
2. Is the PW Storage Yard still a viable option, given the concerns regarding Greenacre Homes, specifically as expressed by the Sonoma County Juvenile Justice Commission?
3. Is 845 Gravenstein Highway North a viable option, given how recently that opportunity has arisen and the relative uncertainties regarding acquisition?
4. What is the City Council's decision regarding expenses for either the PW Storage Yard option or a lease obligation for 845 Gravenstein Highway North?
5. What is the City Council's direction to Staff regarding parking changes on Morris Street and City-wide?

Possible Courses of Action & Basic Steps Involved:

1. PW Storage Yard
The Ad Hoc Committee and City Staff vetted this location as the potential site for the RV Village. After further analysis and receipt of costs estimates in the range of \$130,000-\$290,000 plus, this site is not a viable location due to a variety of reasons and should be discontinued for consideration as an opportunity site for the RV Village. A description of the efforts made by all involved to investigate the viability of the Public Works Storage Yard is included in Attachment #4.

2. 845 Gravenstein Highway North (Anticipated Property Owner: St Vincent de Paul)
 - a. Declaration of a Homeless Emergency
 - b. Agreements: City enters into operations agreement with SAVS, SAVS enters into lease agreement with St Vincent de Paul
 - c. Site Prep & Improvements: St Vincent de Paul and/or SAVS
 - d. Cost: City allocates \$60,000 to SAVS for lease payments
 - e. Parking: City implements parking changes City-wide

3. If No Alternate Location for Morris Street RVs is Selected
 - a. Declaration of a Homeless Emergency
 - b. RVs remain on Morris Street
 - c. Costs and impacts remain on Morris Street

BACKGROUND:

On October 27, 2021, at a Special City Council meeting, the Council directed the Ad Hoc Committee for the Unhoused (Committee) to explore a proposal by Sebastopol Applied Village Services (SAVS) to operate a temporary RV Village on City-owned property. The City Council further authorized the Mayor to sign a letter of intent with SAVS to operate the temporary RV Village. See Attachment #9

The October 27, 2021, Staff Report submitted by the Committee for the Unhoused contains useful historical and other information relevant to the discussion in the present Staff Report. See Attachment #8

As was explained in the October 27, 2021, Staff Report, although the overall concept of the proposal had been reviewed by City Staff, there were many details that needed to be reviewed and finalized before the City could enter into an agreement with SAVS. The intent was for the Committee to finalize those items and return to the City Council for approval of an agreement. The Staff Report recognized that the RV Village Program was the initial step to begin the relocation of the RVs on Morris Street to a safe and legal place, continue to limit COVID exposure, and have SAVS work with WCCS to prepare residents for the goal of transition to permanent housing.

INTRODUCTION:

Homelessness and Sebastopol: Homelessness is a national problem, particularly in California, with it reaching crisis proportions in the Bay Area. A short drive to San Francisco or Oakland reveals acres of unhoused encampments and streets full of individuals living on the street. In Sonoma County, large encampments, such as that formerly on the Joe Rodota Trail, have vexed local decisionmakers and relegated the unhoused to unhappy, unhealthy lives and public derision. Municipalities and County government move the unhoused from location to location using law enforcement personnel at significant cost to the public, while accomplishing little in actually solving the crisis. Thankfully, Sonoma County governments are increasingly working together to take a regional approach in addressing homelessness and the housing crisis. However, given the scope of the problem, we cannot “solve” homelessness without a well-funded statewide effort that helps local government to come up with real solutions, such as the RV village proposed in this report.

The City of Sebastopol recognizes that homelessness affects the entire community, most directly the unhoused themselves, but also businesses, neighbors, and the community at large. Sebastopol has long endeavored to be a leader in addressing issues of homelessness proactively, and has been recognized for its efforts by local and stateside leaders, including the Governor. A few of its efforts include:

- Park Village – The City of Sebastopol, in partnership with West County Community Services (WCCS), upgraded an aging mobile home park owned by the City. It expanded housing on the site using donated trailers, installed a community building, engaged an on-site manager, a social worker, and provides “wrap-around” services. Incoming residents to the site are primarily homeless families. The goal of the program is to help families get on their feet and move on to permanent housing. Thanks to this program many families have cycled into apartments and houses freeing up the trailers to accommodate new families into the program. The City has funded this program with assistance from multiple public agencies and private donors.

- Elderberry Commons – The County of Sonoma purchased the former Sebastopol Inn using California’s Project Homekey funds. The facility now provides 31 rooms for formerly homeless, health compromised individuals in a pleasant and attractive facility that includes extensive wrap around services. The City collaborated closely with the County on this project, holding multiple stakeholder meeting per month, coordinating responses to community concerns and working to engage local businesses as providers of services. Additionally, the City negotiated with the county and received \$382,000 in funds to mitigate loss of TOT funds related to the Sebastopol Inn. This site is funded through County, State, and Federal programs.
- WCCS Homeless Outreach – The City funded a contract with WCCS in fiscal year 21/22 for a homeless outreach social worker who is also tasked with coordinating homeless support efforts from the large number of volunteers and faith-based organizations that provide help to the homeless in Sebastopol. The WCCS outreach worker coordinates with the City’s Police Department to address homeless issues, endeavors to connect homeless individuals with services such as access to housing, food and counseling, and also provides a forum for information sharing between stakeholders. The goal of the program is to optimize efforts that get the unhoused’s lives back on track and reduce the population of individuals living on the streets.
- Safe Overnight Parking – The City’s contract with WCCS includes oversight of an expanded safe overnight parking program for the vehicular unhoused. The City is fortunate to have safe overnight parking spaces already offered through Community Church. WCCS has begun the process of working with other local churches to add to that model program.

Sebastopol is proud to be a City that has endeavored to do more than just “kick the can down the road” and is instead making substantive efforts to address homelessness, in a way that takes into consideration the health and safety needs of all in our community, the unhoused, businesses, and the community at large.

Mayor Glass and Councilmember Rich are the two Council members on Sebastopol’s recently constituted City Council Committee on the Unhoused. At its inception, the Committee members agreed to take on differing tasks. Councilmember Rich took the lead in identifying a viable location for the RV Village. Mayor Glass focused on working with public agencies and seeking financial support for implementing the project. Both members of the committee have participated in stakeholder outreach meetings and other collaborative efforts. Mayor Glass and Councilmember Rich are both very pleased with this report’s preferred project site and the RV Village project proposed herein, which is a collaboration between two non-profits – SAVS and St Vincent de Paul. Mayor Glass and Councilmember Rich feel strongly that the RV Village proposed herein can be a model cost effective, safe, and healthy solution to homelessness that respects the needs of the RV dwellers and the community as a whole.

DISCUSSION:

In the period since October 27, 2021, the Committee has completed substantial local outreach, has engaged in a proactive search for alternate sites, and has fully explored the viability of the Public Works Storage Yard (PW Storage Yard) originally proposed by the Committee on October 27. For more details of the Ad Hoc Committee’s activities, see Attachment #4.

The Committee urges the City Council to review all information in this Staff Report and in the attachments to this document. There are key decisions that will need to be made by the full City Council for this project to move forward and because there are no clear answers, full engagement by the City Council is required.

As the City Council reviews the status of the Committee’s efforts, it will become apparent that there are still questions to be answered prior to RVs moving into any RV Village the City Council approves. The Committee is confident that all remaining details can be completed successfully before RVs would be moved into an RV Village.

Brief Summary of the Activities of the Committee: The Committee has gathered and considered hundreds of comments and input from businesses, neighbors, advocates, West County Community Services, SAVS, the community at large, and resources from outside our immediate community. The viability of the PW Storage Yard

has been fully explored, with largely positive results, but a number of variables, including a recent report on out-of-pocket costs associated with that site, has made the PW Storage Yard an unacceptable location for the temporary RV Village. See Attachment #4. The Ad Hoc's search for alternate sites has involved examination of City-owned lots, as well as privately owned lots within and outside the City limits, Substantial discussions were held with seven private citizens about possible use of these private lots. These discussions had been largely unproductive, until just a few days before the drafting of this Staff Report, when 845 Gravenstein Highway North became a realistic option. Substantial detail regarding 845 Gravenstein Highway North is provided below.

SAVS as Proposed Manager of the RV Village: The proposal for the RV Village came to the Committee through SAVS because SAVS has received Continuum of Care funding (\$368,000) to set up and operate an RV Village or similar effort. SAVS had other jurisdictions it was considering for a partnership, but selected Sebastopol because of the City's reputation and existing relationships with local advocates. As the Committee has worked with SAVS over the last month, it has become clear that SAVS offers not just funding, but also excellent qualifications and skills that would ensure the RV Village was managed in the best possible manner, for Village residents as well as for the broader Sebastopol community. The Committee has been well-positioned to assess the organization during this period of discussions, meetings, outreach, and negotiations regarding the details of the RV Village. The Committee is confident that SAVS would be an effective, compassionate, collaborative, responsible, responsive, and pragmatic manager for the RV Village being discussed. Recent discussions with St Vincent de Paul, operator of Los Guilicos, confirms the Committee's assessment of SAVS. See letter from SAVS Board Member Patrick O'Loughlin, Attachment #6.

Site Recommendation: The Committee's recommendation is that the alternate site described below (845 Gravenstein Highway North), if still available at the time of the November 30 City Council meeting, be approved and funded as a temporary RV Village for a one year period, with SAVS as the RV Village manager. Although there is a substantial cost involved (\$60,000), there would have been a costs associated with use of the PW Storage Yard (\$130,000-\$290,000 plus estimate). Selection of the Gravenstein Highway North property would allow the PW Storage Yard to continue to be available to serve the needs of the City (and therefore the public), would allow staff to continue to focus their efforts on serving the many other needs of the community (rather than on clearing and set up of the RV Village on City-owned property), and would provide the RV dwellers a managed, supported, contained location, thereby addressing the substantial health and safety concerns of the RV dwellers themselves, local businesses, and the community at large.

Question #1: is Sebastopol experiencing a homeless emergency?

Committee Answer: Yes. The Committee recommends a Declaration of a Homeless Emergency.

- 1. Basic Information:** This Staff Report, in combination with its attachments, confirms the existence of a homeless emergency in the City of Sebastopol, and specifically on Morris Street and Laguna Park Way. We are a small town of under 8000 people, yet we have a situation on Morris Street and Laguna Park Way that is unhealthy, unsafe, inhumane, is expanding into neighboring streets, and is developing rapidly into a public nuisance. The recent impact of COVID-19 has made the situation even more alarming. See Sebastopol Declaration of COVID-19 Emergency, included as Attachment #2. All aspects of the town are affected: the unhoused, businesses, and the community at large. The concerns and dangers are well documented and long-standing, and the circumstances are worsening by the day. All constituents, including advocates speaking for the unhoused, are calling our attention to the situation and confirming its urgency and severity. A draft Resolution Declaring a Homeless Emergency on Morris Street is included as Attachment #1.
- 2. Council Action:** The Committee requests that the Council consider the following action: Declare a homeless emergency, and direct the Mayor to sign a Resolution Declaring a Homeless Emergency in the City of Sebastopol, and specifically on Morris Street and Laguna Park Way. See Attachment #1.

Question #2: Is the PW Storage Yard Still Viable?

Committee Answer: Discontinue consideration of the PW Storage Yard as a viable location

1. **Basic Information:** Use of the PW Storage Yard for the temporary RV Village has been problematic from the outset. It was recognized as an imperfect temporary solution to an untenable situation on Morris Street. The Committee and SAVS have worked tirelessly with neighbors and others to address these challenges. The Committee has been impressed by the willingness of all involved to collaborate, be open to accommodations to the needs of others, and to be honest and forthright about advocating for their own interests as well as the interests of others. It seemed until very recently that the limitations in the PW Storage Yard could be addressed, at least adequately enough to allow the Committee to recommend its use for this temporary purpose. However, after further analysis and receipt of cost estimates in the range of \$130,000-\$290,000 plus, this site is not a viable location due to a variety of reasons and should be discontinued for consideration as an opportunity site for RV Village. For more details of the Ad Hoc Committee's activities, including those related to the Public Works Storage Yard, see Attachment #4.
2. **Council Action:** The Committee requests that the Council discontinue consideration of the PW Storage Yard as a viable location for the RV Village Pilot Program.

Question #3: Is 845 Gravenstein Highway North a Viable Site?

Committee Answer: Yes, with some uncertainties.

1. **Basic Information:** A key development for the Committee is the recent involvement of St Vincent de Paul (SVDP) known well in Sonoma County for their successful support and funding of Los Guilicos Village in Santa Rosa. St Vincent de Paul is in the process of purchasing a property located at 845 Gravenstein Highway North (see Attachment #10), and has offered to make it available on a lease basis, for SAVS to operate a temporary RV Village for one year to serve the Sebastopol unhoused. The asking price for the property was approximately \$1,000,000. . As of November 23, SVDP is in escrow and expects to complete the purchase by December 6, when escrow closes. St Vincent de Paul is aware of Sebastopol's need for an RV Village for the Morris Street RV dwellers, and Sebastopol's efforts to address that issue. The organization is supportive of SAVS, is aware that SAVS has funding to operate the RV Village, and is interested in facilitating that arrangement. Unfortunately, SAVS does not have sufficient funding to cover the lease cost, which will be approximately \$60,000 (\$5,000 per month) for the full year. The City of Sebastopol would need to cover these amounts for this arrangement to work. As of the writing of this Staff Report, the 845 Gravenstein Highway North site is the only viable option that will provide a way to move the RVs off Morris Street and offer a safer, healthier location that meets the needs of the RV dwellers as well as our larger community. For more information about the property, please see the listing agent's website: <https://vanguardproperties.com/COMI-B-321006076.php>. See also Attachments #6 (property location & image) and #7 (more information). The Committee will provide additional information on the status of the 845 Gravenstein Highway North purchase at the November 30 City Council meeting.
2. **Specific Issues:** Outreach: There is substantial neighbor outreach that SAVS will begin as soon as possible; Location: The property is approximately an acre, set among businesses, with a few neighbors nearby, on the bus line, walking distance to grocery stores and restaurants, and a half mile from a school that is the nearest location regularly frequented by children; Site Selection Parameters: It meets all parameters; Timing: If the purchase is completed as planned, the site should be ready for RVs by mid-January 2022. See Attachments #6 and #7.
3. **Cost: \$60,000:** The plan as outlined requires that the City grant SAVS funds to cover the lease amount for the one year use of the property for the temporary RV Village. St. Vincent de Paul is willing to buy the property, an offer the Committee urges the City Council to recognize is a substantial contribution. However, St Vincent de Paul is not prepared to cover the mortgage and other carrying costs, and SAVS does not have the funds to cover that expense. St Vincent de Paul estimates the total lease amount for the year at \$60,000. The Ad Hoc Committee is uncertain about a possible source for this funding, realizes the City has already dipped into reserves for this year's budget, and is aware that the City has already directed substantial funds toward serving the unhoused. The Committee believes that funding this effort is essential to the health and safety of all involved, and is working diligently with Staff and with others to attempt to identify a source for these

funds. Please see additional details below under Fiscal Impact. The Ad Hoc Committee will report further to the City Council on this funding question at the November 30 City Council meeting.

4. **Council Action:** If the plan to acquire 845 Gravenstein Highway North has failed, there will be no decision to be made by the City Council regarding that site. If the acquisition is moving forward, the Committee recommends that the City Council consider the following decisions:
 1. Select the 845 Gravenstein Highway North site as the location for the temporary RV Village.
 2. Determine with the assistance of staff input during the November 30 meeting the possible options for funding reimbursement to SAVS of the estimated \$60,000 in lease payments required for use of the property at 845 Gravenstein Highway North.
 3. Make a decision regarding funding options for the \$60,000 needed to support the 845 Gravenstein Highway North property as the location for the temporary RV Village.
 4. Discuss, edit as needed, and approve the Memorandum of Understanding (MOU) included here as Attachment #3.
 5. Authorize the City Manager and/or Mayor to execute the MOU confirming the City Council's commitments as reflected in the MOU and other City Council direction offered during the November 30 meeting. Direct that this MOU be finalized and delivered no later than Friday December 3 to the SAVS Board of Directors.
 6. Authorize the Ad Hoc Committee to continue to work with SAVS to finalize an operational agreement between the City and SAVS. Direct the Ad Hoc Committee to return to the City Council to approve that operational agreement at the December 7 City Council meeting.

Question #4: Parking Plan for Morris and City-Wide

Answer: Are parking changes needed? Answer: Yes, a parking plan needs to be developed.

1. **Basic Information:** The City Council's mandate to the Committee was clear: Prioritize an alternate location for the RV dwellers currently on Morris Street. The health and safety concerns raised by businesses, community members, and advocates for the unhoused have a long history and are heavily documented. The problem has been escalating and is getting worse. The input the Committee has received in doing the tasks assigned to it by the City Council has carried a consistent message: Morris Street must be cleared and returned to use by the community at large. The potential for Morris Street backfilling with yet more RV dwellers living in yet more unsafe and unhealthy conditions must be addressed. Equally important is a consistent message of concern regarding the potential impact on Sebastopol's neighborhoods if Morris Street parking rules are changed.

The Committee is confident that the citizens of Sebastopol are largely supportive of an RV Village for the Morris Street RVs, but only if the decision by the City Council includes a practical, enforceable, realistic plan to clear Morris Street and take measures to prevent similar developments in the town's neighborhoods.

2. **Council Action:** The Committee recommends that the City Council take the following actions:
 1. Make a commitment to clearing Morris Street, and supporting parking rule changes, as needed, to protect Morris Street as well as the neighborhoods from developing overnight parking problems in the future.
 2. Direct City Staff to develop a practical, enforceable, realistic plan to do the following: (1) clear Morris Street, (2) modify and enforce parking rules on Morris Street to prevent future collection of overnight lived-in vehicles on that street, and (3) make any needed changes in parking rules City-wide to prevent similar situations from developing in neighborhoods and elsewhere in town.
 3. Direct City Staff to submit this plan, with an outline of relevant alternatives, to Council at the December 21 City Council meeting.
 4. Make a commitment to prohibiting RVs from moving into an RV Village as described in this Staff Report until the parking concerns described here have been addressed and resolved, with the benefit of the requested plan from City Staff.

GOALS:

Goal 5 - Provide Open and Responsive Municipal Government Leadership

5.3.3 - Encourage and increase public awareness of City Policies, decisions, programs and all public processes and meetings, by investigating effective methods of communication and obtaining feedback from the community.

Policy D-6: Sebastopol will work to prevent homelessness and support housing services for the homeless.

PUBLIC COMMENT:

The City has received public comment on the SAVS proposal for Morris Street. Those comments have been provided to the City Council, made a part of the public record, and have been posted to the City Web site. City staff anticipates receiving public comment from interested parties following the publication and distribution of this Staff Report. Such comments will be provided to the City Council as supplemental materials before or at the meeting, will be made part of the public record and will be posted to the City web site. In addition, public comments may be offered during the public comment portion of the agenda item.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 24 hours prior to the Special Meeting Date.

FISCAL IMPACT:

Tentative cost for each of the options described in this Staff Report are as follows:

Public Works Storage Yard: Total Estimated Cost \$130,000-\$290,000 Plus

This is a rough estimate obtained by Staff, and includes the cost of (1) fencing to safely segregate Public Works materials that must remain in the Storage Yard, (2) clearing and grading the Storage Yard, and (3) constructing secure separator areas for materials that are moved from the Storage Yard to the Main Yard. There would be additional costs for extending electrical to the Storage Yard, as well as other costs not yet identified due to the limited time to provide the information.

845 Gravenstein Highway North: Total Estimated Cost \$60,000

\$60,000 – Lease reimbursement for one year.

City staff met with the Sonoma County Community Development Commission (CDC) and Sonoma Applied Village Services (SAVS) on Tuesday November 23, 2021 to discuss funding for this Pilot Program. At this meeting, City staff and SAVS were informed that the expenditure deadline, though it's set at September 30, 2022, will be moved forward to June 30, 2022. This is because the State of California wants funds spent by July 2022 since it's HUD funds going through State HCD. The CDC and Continuum of Care (CoC) staff is continuing to advocate for the flexibility of a September expenditure deadline, especially since CoC is on track to spend 80% of funds overall by March 2022.

City staff, SAVS, the CDC and CoC worked in collaboration to find financial solutions for a successful RV pilot program with a goal to have a 12-month project with SAVS as the Operations Manager. Based on the conversation today, the following actions are being pursued.

- SAVS has ESG-CV (CoC) funding in the amount of \$368,000 which was intended to be spent over nine months, but these funds need to be spent by 6-30-2022 per Michael Gause.
- SAVS will provide a budget that allocates the \$368,000 in expenditures by 6-30-2022, including site prep.
- Interim Director of the CDC, Dave Kiff will work w/County staff on securing three months' worth of ESG-CV (County) – expiring 9-30-2022. These funds would be used to keep the site operating for the July – September 30, 2022 period. This assumes that the ESG-CV (County) funds have a bit more time to spend (three months more) than the ESG-CV (CoC), as ESG-CV (CoC) goes through State HCD and has a tighter

expenditure period. This would NOT work if ESG-CV (County) has the same 6-30-2022 deadline as ESG-CV (Coc).

- Mayor Glass has advocated to the County (Supervisor Hopkins) for \$80K from the County's GF/PG&E funds (up for consideration on 12-7) that would be a small carve out of the \$2,000,000 allocated for homeless projects. This would enable the City of Sebastopol to keep the project going to December 2022. Supervisor Hopkins has expressed support for this funding and will bring this forward at the Dec 7th, 2021 Board of Supervisors meeting.
- City and SAVS will continue to research and apply for available funding. Some sources to be explored would be CDBG Funds, funding, etc.

If Council is supportive of the \$60,000 grant to SAVS for lease payments, it is requested that the City Council discuss a back-up option to provide City funds in the event the County Board of Supervisors votes not to support the \$80,000 request from Supervisor Hopkins for City of Sebastopol Homeless Emergency. City staff will provide recommendations as to which City account would be a potential source of these funds.

RECOMMENDATION:

That the City Council Take the Following Action:

1. Homeless Emergency: Consider the following action:
 - a. Declare a homeless emergency, and direct the Mayor to sign a Resolution Declaring a Homeless Emergency in the City of Sebastopol, specifically on Morris Street and Laguna Park Way. See Attachment #1.
2. PW Storage Yard:
 - a. The Committee requests that the Council discontinue consideration of the PW Storage Yard as a viable location for the RV Village Pilot Program.
3. 845 Gravenstein Highway North: If the acquisition is moving forward, the Committee recommends that the City Council consider the following action:
 - a. Select the 845 Gravenstein Highway North site as the location for the temporary RV Village.
 - b. Determine with the assistance of staff input during the November 30 meeting the possible options for funding reimbursement to SAVS of the estimated \$60,000 in lease payments required for use of the property at 845 Gravenstein Highway North.
 - c. Make a decision regarding funding options for the \$60,000 needed to support the 845 Gravenstein Highway North property as the location for the temporary RV Village.
 - d. Discuss, edit as needed, and approve the Memorandum of Understanding (MOU) included here as Attachment #3.
 - e. Authorize the City Manager and/or Mayor to execute the MOU confirming the City Council's commitments as reflected in the MOU and other City Council direction offered during the November 30 meeting. Direct that this MOU be finalized and delivered no later than Friday December 3 to the SAVS Board of Directors.
 - f. Authorize the Ad Hoc Committee to continue to work with SAVS to finalize an operational agreement between the City and SAVS. Direct the Ad Hoc Committee to return to the City Council to approve that operational agreement at the December 7 City Council meeting.
4. Parking Changes on Morris Street and City-wide: The Committee recommends that the City Council take the following actions:
 - a. Make a commitment to clearing Morris Street, and supporting parking rule changes, as needed, to protect Morris Street as well as the neighborhoods from developing overnight parking problems in the future.
 - b. Direct City Staff to develop a practical, enforceable, realistic plan to do the following: (1) clear Morris Street, (2) modify and enforce parking rules on Morris Street to prevent future collection of overnight

lived-in vehicles on that street, and (3) make any needed changes in parking rules City-wide to prevent similar situations from developing in neighborhoods and elsewhere in town.

- c. Direct City Staff to submit this plan, with an outline of relevant alternatives, to Council at the December 21 City Council meeting.
- d. Make a commitment to prohibiting RVs from moving into an RV Village as described in this Staff Report until the parking concerns described here have been addressed and resolved, with the benefit of the requested plan from City Staff.

Attachments:

1. Resolution Declaring a Homeless Emergency
2. Declaration Emergency due to COVID-19
3. Memorandum of Understanding – 845 Gravenstein Highway North
4. Activities of the Ad Hoc Committee for the Unhoused
5. SAVS Experience from SAVS Board Member Patrick O’Loughlin
6. 845 Gravenstein Highway North Image and Location Map
7. 845 Gravenstein Highway North Additional Information
8. October 27, 2021, Staff Report by the Ad Hoc Committee for the Unhoused
9. October 28, 2021, Letter of Intent, Signed by Mayor Glass

EXHIBIT B

RESOLUTION NUMBER: 6386-2021

CITY OF SEBASTOPOL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL PROCLAIMING THE EXISTENCE OF A LOCAL HOMELESS EMERGENCY

WHEREAS, California Government Code sections 8558 and 8630 empower the City of Sebastopol to proclaim the existence of a local emergency when the City is affected or likely to be affected by conditions of disaster or of extreme peril to the safety of persons and property within the City's territorial limits; and

WHEREAS, Section 8630, as amended, requires that the Council review, at least every 60 days until such local emergency is terminated, the need for continuing the local emergency; and

Whereas, conditions of extreme peril to the safety of persons and property has arisen within the City as to homeless in general and particularly as to those who are living in RVs or cars on Morris Street and Laguna Park Way, and that action is needed, especially in light of COVID -19 resurgence and upcoming winter weather conditions; and

WHEREAS, the City Council has determined that conditions on Morris Street and Laguna Park Way continue to worsen; and

WHEREAS, In addition to the individuals living and being exposed to such conditions, these conditions threaten and are impacting adjacent property owners, neighborhood, businesses, City Buildings, the Laguna de Santa Rosa Preserve, and the general public, including users of public properties such as the Community Center and Youth Annex; and

WHEREAS, although current programs offered by the City and local non-profit service providers are providing assistance to many persons living without permanent housing, a significant number of persons within the city still remain without the ability to obtain shelter; and

WHEREAS, many of those unable to obtain shelter continue to reside on the streets, along creeks and pathways, in alleys and doorways, and in unauthorized encampments throughout the city; and

WHEREAS, persons without shelter are also often without adequate cooking or sanitary facilities, are at risk from theft, crime and extreme weather conditions, and are without security; and

WHEREAS, These conditions are clear and imminent dangers that require action to prevent and mitigate the loss or impairment of life, health, and property; and

WHEREAS, to address homelessness, significant additional public and private resources must be brought to bear, with efforts focused on both short- term immediate health and safety measures and long-term solutions; and

WHEREAS, scope of the local homeless crisis is beyond the resources of the City standing alone and will require the combined forces of adjacent jurisdictions and state agencies; and

EXHIBIT C

EXHIBIT A: MEMORANDUM OF UNDERSTANDING



Memorandum of Understanding between Sonoma Applied Village Services (SAVS) and the City of Sebastopol

This Memorandum of Understanding (Agreement) stands as evidence that Sonoma Applied Village Services (SAVS) will provide, open and operate an RV Homeless Village, located at 845 Gravenstein Highway, with wrap-around services in Greater Sebastopol for the term 12/08/2021 to 12/31/2022. Greater Sebastopol is defined as within the City of Sebastopol, focusing on RVs on/near Morris Street.

Program Description

SAVS will set up and operate a safe parking village with a mix of vans, trailers and RVs which are used as primary residences for the homeless people of Sebastopol. We will provide site management including sanitary and water facilities, a waste management system, security, access to food and individual whole-person-care support for the residents.

City of Sebastopol Agrees to Provide:

1. Sebastopol agrees to permit the use of the site for a temporary homeless shelter.
2. Sebastopol agrees to grant reimbursement for rent on the AmeriGas site for 1 year, ending Dec 31, 2022 at a total of no greater than \$60,000 provided SAVS continuously operates the site during that time frame.

SAVS Agrees to:

1. SAVS agrees to open and operate an RV village at the AmeriGas site through December 2022
2. The site will make a marked improvement to the current RV encampment near Morris street and provide a prototype for further development of similar affordable, dignified non-congregate shelter.
3. SAVS conducts resident outreach program and neighborhood outreach programs on an ongoing basis

Term

The term of this Agreement shall be December 8, 2021 to December 31, 2022.

Indemnification

Each party is an independent entity, responsible for its acts and the acts of its officers, agents and employees. Consequently, each party agrees to indemnify, defend and hold harmless the other party, its officers, agents and employees from any and all loss, injury, liability, damages, claims, demands, suits, or judgments arising from the acts or omissions of its officers, agents, and employees in connection with the performance of this agreement.

Confidentiality

The parties shall maintain the confidentiality of information gathered and all records generated during the period of this agreement pursuant to applicable Federal and State laws. This does not prohibit staff from reporting suspected neglect or abuse of participants to agencies as required by law.

Date: December 2, 2021

12-01-21

Signature 



Larry McLaughlin
City of Sebastopol

Adrienne Lauby
Sonoma Applied Village
Services

WHEREAS, the causes and effects of homelessness are complex and can be addressed only with dedication, coordination and flexibility; and

WHEREAS, such conditions continue to result in a critical threat to the physical and mental health and safety of those experiencing homelessness, as well as to the natural environment and the public health and well-being of the surrounding community, and thereby continue to place the safety of persons and property at extreme peril within the territorial limits of the city; and

WHEREAS, California Government Code sections 8630 thru 8634 authorize the governing body of a city to declare a local emergency when there exist conditions of extreme peril to the safety of persons and property within the territorial limits of the city due to certain natural or man-made causes which are or are likely to be beyond the control of the services, personnel, equipment and facilities of the city and that require the combined forces of other political subdivisions to combat; and

WHEREAS, California Government Code section 8634 provides that, upon a declaration of a local emergency, the governing body of a city, or an official designated thereby, may promulgate orders or regulations necessary to provide for the protection of life and property during the duration of the emergency; and

WHEREAS, the impacts of these events are still currently being evaluated and can result in an unknown and significant amount of City expenses to cover the supplies, equipment, staff hours, and potential overtime of all City Departments; and

WHEREAS, City Municipal Code authorizes the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sebastopol finds, determines and declares that there exists within the territorial limits of the City of Sebastopol conditions of extreme peril to the safety of persons and property caused by homelessness and the lack of available and affordable housing, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of the City and require the combined forces of other political subdivisions to combat; and

BE IT FURTHER RESOLVED, pursuant to the authority set forth in California Government Code Sections 8630 thru 8634, the City of Sebastopol City Council hereby declares that the proclamation of a state of local homeless emergency within the City of Sebastopol exists and proclaims the Existence of a Local Homeless Emergency in the City of Sebastopol; and

BE IT FURTHER RESOLVED, that pursuant to California Government Code Section 8630, as amended, the City Council shall review the need for continuing this local homeless emergency at least once every 60 days until the Council terminates the local emergency; and

BE IT FURTHER RESOLVED, that the City Manager or his designee is authorized to take whatever other action is authorized under the Sebastopol Municipal Code and state and federal law, subject to authorization required from the City Council, consistent with this Resolution and its basic purposes; and

BE IT FURTHER RESOLVED that the City Council directs the City Council's Ad Hoc Committee for the Unhoused to explore, and as appropriate, bring to the full Council for its consideration, options for short-

term measures to address immediate health and safety concerns as well as more comprehensive long-term solutions to homelessness; and

BE IT FURTHER RESOLVED, that the City Council directs staff to Provide Recommendations for Parking Changes on Morris Street, Laguna Park Way, as well as City-Wide parking changes recommendations.

The above and foregoing Resolution was duly passed, approved, and adopted at a meeting by the City Council on the 30TH day of November, 2021, following a roll call vote:

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by City of Sebastopol City Council following a roll call vote:

VOTE:

Ayes: Councilmembers Hinton, Rich, Slayter, Vice Mayor Gurney and Mayor Glass
Noes: None
Absent: None
Abstain: None

APPROVED: _____


Mayor Una Glass

ATTEST: _____


Mary Gounley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: _____



Larry McLaughlin, City Attorney

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PROOF OF SERVICE

Friends of Northwest Sebastopol v. City of Sebastopol, Sonoma Superior Court Case No. SCV270053

STATE OF CALIFORNIA, COUNTY OF ALAMEDA

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Alameda, State of California. My business address is 1999 Harrison Street, 9th Floor, Oakland, CA 94612.

On February 1_, 2022, I served true copies of the following document(s) described as **DECLARATION OF LAWRENCE MCLAUGHLIN IN SUPPORT OF OPPOSITION TO EX PARTE APPLICATION FOR AN ALTERNATIVE WRIT** on the interested parties in this action as follows:

Tony Francois, Esq.
Peter Prows Esq.
Briscoe Ivester & Bazel LLP
235 Montgomery Street, Suite 935
San Francisco, CA 94104


Attorneys for Petitioner FRIENDS OF
NORTHWEST SEBASTOPOL

Telephone: (415) 402-2700
Facsimile: (415) 398-5630
Email: tfrancois@briscoelaw.net
Email: pprows@briscoelaw.net

BY ELECTRONIC SERVICE: I served the document(s) on the person listed in the Service List by submitting an electronic version of the document(s) to Odyssey eFileCA through the user interface at www.odysseyfileca.com.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 1_, 2022, at Oakland, California.



Melissa Bender